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| 10/648,067 | 08/25/2003 | Keizo Suzuki | 9333/351 | 3368 |

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| EXAMINER |
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NGUYEN, CUONG H

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| ART UNIT | PAPER NUMBER |
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3661

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,067

Applicant(s)

SUZUKI, KEIZO

Examiner

CUONG H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to an amendment filed on 6/26/2006. Claims 1-18 are pending in this application, wherein claim 5 has been cancelled.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority (Japan) of 08/26/2002.

Drawings

3. This application is submitted with 8 sheets of formal drawings (Figs. 1-12). They are accepted by the examiner.

Response

4. Upon carefully review applicant's remark filed on 6/26/06, the examiner again respectfully submits that in this computer age, "freshness information" is merely most-recent updated information for use, since that information is the most reliable

Ihara et al. (US Pat. 6,336,073) use this term in their vehicle's navigation database (note that this meanings/term is not necessary used for a vehicle; it could be used for any thing that need a comparison of data/information. The examiner is unpersuasive of the applicant's assertion of "the prior art cited does not disclose freshness information as claimed by applicant" – the examiner submits that cited prior art suggest about "freshness information".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 1-4, 6-8, 13, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. 6,230,098), in view of Ihara et al. (US Pat. 6,336,073)**

A. As for independent claims 1, and 13: Ando et al. teach a vehicle navigation system and a method, comprising steps of using:

- a display (see Ando et al., Fig.1 ref. 18);
- a database operable to store pre-update navigation data and difference data (see Ando et al., Fig.1 refs. 22, 32);
- a difference data receiver to receive difference data (see Ando et al., Fig.1 ref. 32);
- a difference data processor operable to generate updated/current/"freshness" information based on the received difference data and pre-update navigation data (see Ando et al., the abstract, claim 1 "updating means", and Fig.1 ref. 26); and
- a display controller operable to generate images corresponding to map information, vehicle position, guidance information and freshness information for presentation on the display (see Ando et al., "updating means", Fig.1 ref. 18, and Fig.3).

- o Ando et al. do not expressly define about "freshness information".

- However, please note that claim 1 is directed to an apparatus having a display screen; therefore, "freshness information" are considered as information/data to display – there is nothing special required in order to display because it is a normal characteristic/capability of a display controller – even it must require a filter to select information for displaying).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to implement Ando et al.'s apparatus by displaying a list including location names and

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“freshness” information/data for each location name because Ando et al.’s “management file structure” is capable to display updated data or selective information for viewing by a user.

B. Re. to dependent claims 2, and 18:

Ando et al. also suggest that a difference data is a point of interest (POI) data since POI is merely a particular location (i.e., a name for a landmark, a shopping mall, or an intersection .etc.).

C. Re. to dependent claim 3:

Ando et al. also suggest a difference data receiver receives difference data from a broadcast system (i.e., merely an electronic receiver, see Ando et al., Fig.1 ref. 40).

D. Re. to dependent claim 4:

Ando et al. also suggest that a display, a database, a difference data receiver, a difference data processor, and a display controller are connected with a communication bus (it is inherent that components on a device are tied together by a communication bus, see Ando et al., Fig.1 ref. 10).

E. As for dependent “apparatus” claim 7: Ando et al. also suggest about updated/freshness information (see Ando et al., col. 1 lines 35-39 i.e., when talking about updating information, it inherently includes about determining a location in a database or not).

F. As for dependent claim 15: This claim contains similar limitations as in above-rejected claim 7 although claim 15 is directed to a step of determining “new” or “old” information, then displaying that information; therefore, Ihara et al. (US Pat. 6,336,073) use “freshness information” term in their vehicle’s navigation database.

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G. As for dependent “apparatus” claim 8: Ando et al. teach that information includes an “update” (that term “update” already means a new date when the information is recorded). Ihara et al. (US Pat. 6,336,073) use “freshness information” term in their vehicle’s navigation database.

H. Per dependent claim 6: The rationales and reference for rejection of claim 1 are incorporated.

Ando et al. do not expressly disclose about claimed term: “a reliability assessment”.

However, it would have been obvious to one with ordinary skill in the art at the time of invention was made that “a given information source” after a selection/filtering process should be reliable/better information; therefore, “a reliability assessment” is merely “a function” that would have been done by Ando et al.’s “updating means” because they already teach “a selection section 56” is capable to perform that same claimed function (see Ando et al., Fig. 1 ref. 52, and col. 6 lines 32-42, col. 7 lines 11-16, and col. 8 lines 54-57). The motivation is: functioning as a means that doing verification tasks before updating so that a user is comfortable/trusted while using data.

6. **Claims 9-12, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. 6,230,098), in view of Ihara et al. (US Pat. 6,336,073), and in view of the Official Notice.**

A. As for dependent claims 9, and 16:

The rationales and reference for a rejection of claim 1 are incorporated.

Ando et al., suggest about generating updated navigational information. They do not expressly disclose a list of location names.

The examiner respectfully submits that having a controller/a microprocessor to displaying a list of updated location is old and well-known (please note that output information are always organized into a

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list for easy readings), and Ando et al.'s management file structure Fig.9, and display 18 is capable to perform such claimed function (e.g., displaying a list of updated information).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Ando et al.'s apparatus and Ihara et al.'s teaching by displaying a list including location names and freshness information for each location name (from current database) because Ando et al.'s "management file structure" already displays updated data for viewing by a user.

B. As for dependent claims 10-12, and 17:

The rationales and reference for a rejection of claim 1 are incorporated.

Ando et al., do not expressly disclose different ways/formats to represent freshness information.

However, the examiner respectfully submits that at least Excel software of Microsoft provides those old and well-known functions (e.g. displaying a result by bar-chart for representing a different in size, or a pie-chart, or by different colors for different levels of important – in other words, different formats to represent a difference: different colors for each email types for easy recognizable of an e-mail's importance) to draw different attentions of users.

C. As for dependent claim 14:

The examiner respectfully submits that claim 14 limitations are similar to a combination of limitations of claim 6, and claims 10-12 (i.e., searching and retrieving data after querying by a user, then displaying those data); therefore, similar rationales and references set forth are applied for an obviousness rejection for claim 14.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement above ideas of Microsoft's Excel with Ando et al. and Ihara et al. to display different representation for the benefit of making different representations depending on old or new

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obtained data to draw users' attention when searching and retrieving data for a related query of a user.

Conclusion

7. Claims 1-4, and 6-18 are not patentable; accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CUONG H. NGUYEN** whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **THOMAS G. BLACK** can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661